

REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks and the above amendments. This response is believed to fully address all issues raised in the Office Action mailed October 9, 2009. Furthermore, no new matter is believed to have been introduced hereby.

Claims 1-24 remain pending as amended above.

Initially, the undersigned would like to thank Examiner Chang for suggesting ways to address the rejections under 35 USC § 101 and that the claims are otherwise allowable.

To this end, the Applicants representative has amended the claims to address the 101 issues. If any further issues remain, the Examiner is kindly requested to telephone the undersigned at 303-800-6678 to expedite prosecution of the present application.

35 USC § 101 Rejection of the Claims

Claims 1-24 were rejected under because the claimed invention was indicated to be directed to non-statutory subject matter.

With respect to claims 1-8, "computer-implemented" wording has been removed from the preamble since the Office deems it insufficient to address issues over the In re Bilski decision. Instead, Applicant has added determining "at a processor" which is believed to address the tying to a particular machine. Accordingly, rejection of these claims is believed to be moot.

As for claims 9-16, claim 9 has been amended to recite a "storage medium readable by a processor". As such, rejection of these claims is believed to be moot also.

Lastly, claim 17 has been amended to in part recite "at a processor". As with claims 1-8, claims 17-24 are also believed to be in condition for allowance.

Support for the amendments may be found in the present application, see, e.g., paragraph 79.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (303-800-6678) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-4238.

Respectfully submitted,

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Date 3/9/10

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